



*William D. Reilich*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**MAY 17, 2016**

**Work Session Began: 6:30 p.m.**

**Meeting Began: 7:00 p.m.**

**Place: Community Conference Room, Greece Town Hall**

#### **Present**

Albert F. Meilutis, Chairman

Robert J. Bilsky

Andrew P. Forsythe

Thomas F. Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John T. Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

#### **Absent**

#### **Additions, Deletions and Continuances to the Agenda**

#### **Announcements**

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**Old Business:**

1.     Applicant:                James Pilkenton  
       Location:                165 Barcrest Drive  
       Mon. Co. Tax No.:        060.09-5-16  
       Zoning District:        R1-E (Single-Family Residential)  
       Request:                a) An area variance for an existing principal structure to have a (south) side setback of 6.4 feet, instead of the 7.6 feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I  
                                      b) An area variance for an existing deck (1334.8± square feet) to have a (north & west) side setback of 0.0 feet, instead of the 8.0 feet minimum required. Sec. 211-11 E (1), Table I  
                                      c) An area variance for existing accessory structures, totaling 1083.4± square feet, instead of the 972.0 square feet granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 E (1), Table I  
                                      d) An area variance for proposed lot coverage of 42.8%, instead of the 28% granted by the Board of Zoning Appeals on August 5, 2014. Sec. 211-11 D (2), Table I  
                                      e) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (35.3± linear feet) to have a (north) side setback of 0.0 to 7.4 feet, instead of the 8.0 feet minimum required. Sec. 211-47 C (2)  
                                      f) An area variance for an existing 6.0-foot-high, closed-construction fence on a deck (20± linear feet) to have a rear setback of 0.0 feet, instead of the 36.8 feet minimum required. Sec. 211-47 C (2)  
                                      g) An area variance for an existing closed-construction fence (67± linear feet) to have a height ranging from 7.3± feet to 8.7± feet (measured from the top of said fence to the ground directly beneath it), instead of the 6.0 feet maximum permitted. Sec. 211-47

**On a motion by Mr. Hartwig and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of June 21, 2016.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried  
Application Continued Until  
Meeting of June 21, 2016**

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2.     Applicant:               Cheryl Vill  
       Location:             2044 Edgemere Drive  
       Mon. Co. Tax. No.:   026.20-1-42  
       Zoning District:     R1-E (Single-Family Residential)  
       Request:             a) An area variance for a proposed deck (20.0 feet x 33.0 feet;  
                                  660.0 square feet) to be located in a waterfront yard, where  
                                  accessory structures, such as decks, are permitted in the rear  
                                  yard only; and for said deck to have a front setback of 87.0±  
                                  feet (measured from the north right-of-way line of Old Edgemere  
                                  Drive) instead of the 70.5± feet maximum established by the  
                                  neighborhood average.   Sec. 211-11 E (3), Sec. 211-11 E (1),  
                                  Table I  
                                  b) An area variance for a proposed deck (20.0 feet x 33.0 feet;  
                                  660.0 square feet) to have a (east & west) side setback of 0.0  
                                  feet, instead of the 6.0 feet minimum required.   Sec. 211-11 E  
                                  (1), Table I  
                                  c) An area variance for a proposed pergola (8.0 feet x 10.0 feet;  
                                  80.0 square feet) to be located in a waterfront yard, where  
                                  accessory structures, such as pergolas, are permitted in rear  
                                  yards only.   Sec. 211-11 E (3)  
                                  d) An area variance for a proposed lot coverage of 57.2%,  
                                  instead of the 40.29% granted by the Board of Zoning Appeals  
                                  on August 18, 1998.   Sec. 211-11 D (2), Table I

**Mr. Hartwig offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2044 Edgemere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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**Seconded by Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Cheryl Vill, 2044 Edgemere Drive, Alfred and Cheryl Vill appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed deck (20.0 feet x 33.0 feet; 660.0 square feet) to be located in a waterfront yard, where accessory structures, such as decks, are permitted in the rear yard only, and for said deck to have a front setback of 87.0± feet (measured from the north right-of-way line of Old Edgemere Drive) instead of the 70.5± feet maximum established by the neighborhood average; an area variance for a proposed deck (20.0 feet x 33.0 feet; 660.0 square feet) to have a (east & west) side setback of 0.0 feet, instead of the 6.0 feet minimum required; an area variance for a proposed pergola (8.0 feet x 10.0 feet; 80.0 square feet) to be located in a waterfront yard, where accessory structures, such as pergolas, are permitted in rear yards only; and an area variance for a proposed lot coverage of 57.2%, instead of the 40.29% granted by the Board of Zoning Appeals on August 18, 1998.

The findings of fact are as follows. On May 3, 2016 Alfred and Cheryl Vill, who reside at 2044 Edgemere Drive in an R1-E Single-Family Residential District, appeared before this Board to request the variances mentioned above.

The Vills stated that they have lived at this address for two years, and are requesting this deck in order to enhance their view of the lake and their lifestyle. Currently, the area where this proposed deck is to be located is a concrete patio and behind a retaining wall, which restricts their view of the water. The deck, then, would lift this living area up to the level of the retaining wall; thereby eliminating any sight obstruction to the lake. The deck is to be constructed with a Trex composite material. In addition, their plans call for a pergola to be installed on this deck. The pergola will be constructed out of pressure-treated wood and will be 8 feet x 10 feet, and 8 feet in height. The pergola is being requested to provide relief from the sun and to provide shade. There will be no utilities run to the deck or the pergola except electric service for just one light fixture. The Vills also stated that no hot tub or permanent grills will be placed on the deck.

Discussion continued concerning the deck size and subsequent lot coverage. Submitted plans show the deck to be built over a retaining wall, which would require Corps of Engineers approval. Consequently, this application was continued to May 17 in order for the Vills to reconsider the deck size and its dimensions.

This evening on May 17th, Alfred and Cheryl Vill reappeared before the Board. They have determined that the deck will be reduced in size to a new dimension of 16 feet x 33 feet. The 33 feet are necessary due to the width of the lot, which is also 33 feet, thereby necessitating the zero-foot setback. The deck, as far as setbacks are concerned, is similar with other residences in the area. They have talked to their neighbors and they have received no negative comments.

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Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That all necessary building permits be obtained and codes be satisfied.
2. That the deck will be no larger than 16 feet x 33 feet, which will cause a reduction in the lot coverage to 53.8 %, which is similar to other variances that have been granted in the area. As a result of the reduction in the depth of the deck, the front setback will be reduced to approximately 83 feet.

**Seconded by Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved With Conditions**

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3.     Applicant:                    Majed Shaibi  
         Location:                    14 Ballad Avenue  
         Mon. Co. Tax No.:        074.06-1-1  
         Zoning District:           R1-E (Single-Family Residential)  
         Request:                    An area variance for a proposed 6.0-foot-high, closed-  
   construction fence (129± linear feet) to be located in a front  
   yard, where fences in a front yard shall not exceed 4.0 feet in  
   height and shall be of open construction. Sec. 211-46 L

**On a motion by Mr. Jensen and seconded by Mr. Bilsky, it was resolved to close the public hearing and reserve decision on this application until the meeting of June 7, 2016.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued Until**  
**Meeting of June 7, 2016**

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**New Business:**

1.     Applicant:                 Richard Antelli  
         Location:                 2514 Edgemere Drive  
         Mon. Co. Tax No.:        026.15-1-47  
         Zoning District:          R1-E (Single-Family Residential)  
         Request:                  An area variance for a proposed hot tub (6.0 feet x 6.0 feet; 36.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as hot tubs, are permitted in rear yards only. Sec. 211-11 E (3)

**Mr. Shea offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2514 Edgemere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Shea then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Richard Antelli, 2514 Edgemere Drive, Mr. Antelli appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed hot tub (6.0 feet x 6.0 feet; 36.0 square feet), portable in nature, to be located

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in the front yard of a waterfront lot, where accessory structures, such as hot tubs, are permitted in rear yards only.

The findings of fact are as follows. Mr. Antelli, who lives at 2514 Edgemere Drive for three years, appeared before the Board this evening to obtain approval for a hot tub (6.0 feet x 6.0 feet; 36.0 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as hot tubs, are permitted in rear yards only. This parcel is located within an R1-E (Single-Family Residential) zoning district, and unlike standard lots, the front yard of a waterfront lot is considered to be adjacent to the water. Mr. Antelli wants to install a hot tub, a portable hot tub, in order to enhance their lifestyle and enjoy the waterfront with his friends and neighbors. There will be approved electrical connections to the tub, there will not be any other outdoor lighting as such. No one appeared before the Board to speak either in favor or against this approval.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the condition that the applicant obtain all necessary Town permits before installation takes place.

**Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved With Condition**

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2.     Applicant:                 Michael Werner  
       Location:                269 Salmon Creek Drive  
       Mon. Co. Tax No.:       017.04-3-33  
       Zoning District:        R1-E (Single-Family Residential)  
       Request:                 a) An area variance for a proposed attached garage (24.0 feet x 36.0 feet; 864.0 square feet), following the remodel of an existing garage, to have a rear setback of 10.0 feet (measured from the south right-of-way line of Salmon Creek Drive), instead of the 63.9 feet minimum required. Sec. 211-11 D (2), Table I  
                                  b) An area variance for a proposed attached garage (24.0 feet x 36.0 feet; 864.0 square feet), following the remodeling of an existing garage, to have a driveway length of 10.0 feet, instead of the 22.0 feet minimum required. Sec. 211- 41 G  
                                  c) An area variance for a proposed attached garage (24.0 feet x 36.0 feet; 864.0 square feet), resulting in a total gross floor area of 864 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots with a lot area less than 16,000 square feet. Sec. 211-11 E (1), Table I

**Mr. Hartwig offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 269 Salmon Creek Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Bilsky and duly put to a vote, which resulted as follows:**

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<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Hartwig then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Michael Werner, 269 Salmon Creek Drive, in an R1-E (Single-Family Residential) District, Michael and Maureen Werner appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed attached garage (24.0 feet x 36.0 feet; 864.0 square feet), following the remodel of an existing garage, to have a rear setback of 10.0 feet (measured from the south right-of-way line of Salmon Creek Drive), instead of the 63.9 feet minimum required; an area variance for a proposed attached garage (24.0 feet x 36.0 feet; 864.0 square feet), following the remodeling of an existing garage, to have a driveway length of 10.0 feet, instead of the 22.0 feet minimum required; and an area variance for a proposed attached garage (24.0 feet x 36.0 feet; 864.0 square feet), resulting in a total gross floor area of 864 square feet in all accessory structures, where 800 square feet is the maximum gross floor area permitted for lots with a lot area less than 16,000 square feet.

The findings of fact are as follows. The Werners mentioned that they have lived at this location for approximately 21 years, and that the reason for this additional garage space is they currently have three vehicles and they would like to enclose them indoors. The existing garage to the house, they will be demolishing and increasing their living space in building this garage onto the new living space. The finishes of the garage will match the primary structure and only electric will be run to it. There was discussion as far as reducing the dimensions of the garage so that it would be less than 800 square feet to avoid a variance. However, the Werners mentioned that they do not have sufficient space for storage for different lawn items and things like that; therefore, a garage of this size is necessary. As far as the driveway is concerned, they have mentioned that they will have a side load for the garage, meaning the garage doors will be facing east on the east side of the garage; therefore, as they are entering and exiting the house, being a side load, there will be no visual obstructions with the car. They have spoken to the neighbors and no negative comments were received. Also, the applicant has agreed to withdraw Item "b" from this application and the area will be a grassed area.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That all necessary building permits be obtained.
2. That all Town Codes satisfied.
3. That the garage doors will be built, installed on the east side of the structure.
4. That all the finishes to the garage will match the existing primary structure.

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5. And that no cars will be parked on the north side of the structure, in order to keep vehicles out of the right-of-way area.

**Seconded by Mr. Bilsky and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

**Item "b" Withdrawn**

**Items "a" and "c" Approved With Conditions**

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3.     Applicant:             Emily Gerula  
       Location:            5 Acton Street  
       Mon. Co. Tax No.:   075.17-4-49  
       Zoning District:    R1-E (Single-Family Residential)  
       Request:            a) An area variance for a proposed 6.0-foot-high fence (102± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height.  
                              b) An area variance for a proposed 6.0-foot-high fence (12± linear feet) to be located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height. Sec. 211-46 D, Sec. 211-46 L  
                              c) An area variance for a proposed 6.0-foot-high fence (22± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height. Sec. 211-47 A (1)  
                              d) An area variance for an existing shed (8.3 feet x 8.4 feet; 69.7 square feet) to have a (west) side setback of 0.8 feet, instead of the 4.0 feet minimum required. Sec. 211-11 E (1), Table I

**Mr. Forsythe offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 5 Acton Street, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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**Seconded by Mr. Shea and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Forsythe then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Emily Gerula, 5 Acton Street, Ms. Gerula appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high fence (102± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height; an area variance for a proposed 6.0-foot-high fence (12± linear feet) to be located in a front yard, where fences located within the clear visibility portion of a front yard shall not exceed 3.0 feet in height; an area variance for a proposed 6.0-foot-high fence (22± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height; and an area variance for an existing shed (8.3 feet x 8.4 feet; 69.7 square feet) to have a (west) side setback of 0.8 feet, instead of the 4.0 feet minimum required.

The findings of fact are as follows. The parcel is located at 5 Acton Street and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Emily Gerula, appeared before this Board this evening and stated that she has lived at the residence for approximately four years. During discussions tonight, Ms. Gerula has withdrawn several of these variances. Items "a" and "c" are now withdrawn because she has proposed now instead of a 6-foot-high chain-link fence, she has agreed to install a 4-foot-high chain-link fence, which does not require a variance. However, Item "b," where anything over 3 feet that is in the visibility triangle is an issue, we discussed tonight because it is an open construction chain link fence that the 4-foot height is not going to be an issue with regard to the visibility triangle. Finally, with regard to Item "d," the shed has been moved, according to the applicants, five feet, which is a foot more than the minimum required for the variance, thereby ceasing the need to have that Item "d" variance in there.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant obtains all necessary permits.
2. That the fence be installed with all Town and code requirements.
3. And that before a certificate of compliance is issued for the fence, the applicant shall present satisfactory evidence that the existing shed has been moved to comply with the setback requirements.

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**Seconded by Mr. Shea and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

**Items "a," "c," and "d" Withdrawn**

**Item "b" Approved With Conditions**

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4.     Applicant:                     Mark Zeager  
         Location:                     58 Judy Ann Drive  
         Mon. Co. Tax No.:         059.11-2-40  
         Zoning District:             R1-E (Single-Family Residential)  
         Request:                     a) An area variance for a proposed 6.0-foot-high, closed-  
   construction fence (85± linear feet) to be located in a front yard,  
   where fences in a front yard shall not exceed 4.0 feet in height  
   and shall be of open construction.    Sec. 211-46 L  
   b) An area variance for a proposed 6.0-foot-high, closed-  
   construction fence (25± linear feet) to be located on a corner lot  
   in the portion of the rear yard which adjoins the front yard of an  
   adjoining lot, where fences shall not exceed 4.0 feet in height  
   and shall be of open construction.    Sec. 211-47 A (1)

**Ms. Nigro offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 58 Judy Ann Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

**Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Ms. Nigro then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Mark Zeager, 58 Judy Ann Drive, Mark and Brittney Zeager appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed 6.0-foot-high, closed-construction fence (85± linear feet) to be located in a front yard, where fences in a front yard shall not exceed 4.0 feet in height and shall be of open construction; and an area variance for a proposed 6.0-foot-high, closed-construction fence (25± linear feet) to be located on a corner lot in the portion of the rear yard which adjoins the front yard of an adjoining lot, where fences shall not exceed 4.0 feet in height and shall be of open construction.

The findings of fact are as follows. This parcel is located at 58 Judy Ann Drive in an R1-E (Single-Family Residential) district. Mark and Brittney Zeager and their daughter have lived at this residence for three years. They want to construct the fence to provide safety and privacy, as they are on a corner lot and they have a small daughter and are hoping to someday get a dog to provide safety for them. No one spoke opposing this request; they did speak to two neighbors and neither had concerns.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

1. That the applicant will obtain all permits.
2. And this approval is for the life of the fence.

**Seconded by Mr. Hartwig and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved With Conditions**

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5.     Applicant:             Eugene Ritter  
       Location:            363 Lowden Point Road  
       Mon. Co. Tax No.:   026.018-2-3  
       Zoning District:    R1-E (Single-Family Residential)  
       Request:             a) An area variance for a proposed garage addition (554± square feet) to have a front setback of 62.0 feet (measured from the west right-of-way line of Interlaken Road), instead of the 70.0 feet minimum required as established by the neighborhood average. Sec. 211-11 D (1) (b), Sec. 211-11 D (2), Table I  
                              b) An area variance for a proposed garage addition (554± square feet) to have a front setback of 37.0 feet (measured from the south right-of-way line of Lowden Point Road), instead of the 70.0 feet minimum required as established by the neighborhood average. Sec. 211-11 D (1) (b), Sec. 211-11 D (2), Table I  
                              c) An area variance for a proposed attached garage addition (554± square feet) to have a rear setback of 31.0 feet, instead of the 36.6 feet minimum required. Sec. 211-11 D (2), Table I  
                              d) An area variance for existing and proposed accessory structures which result in a total gross floor area of 1045 square feet, instead of the 1000 square feet maximum gross floor area permitted for accessory structures on lots with a lot area of 16,000 square feet to one (1) acre. Sec. 211-11 E (1), Table I

**Mr. Jensen offered the following resolution and moved for its adoption:**

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 363 Lowden Point Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1.     Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
2.     According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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**Seconded by Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**Mr. Jensen then offered the following resolution and moved its adoption:**

Mr. Chairman, regarding the application of Eugene Ritter, 363 Lowden Point Road, Mr. Ritter appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed garage addition (554± square feet) to have a front setback of 62.0 feet (measured from the west right-of-way line of Interlaken Road), instead of the 70.0 feet minimum required as established by the neighborhood average; an area variance for a proposed garage addition (554± square feet) to have a front setback of 37.0 feet (measured from the south right-of-way line of Lowden Point Road), instead of the 70.0 feet minimum required as established by the neighborhood average; an area variance for a proposed attached garage addition (554± square feet) to have a rear setback of 31.0 feet, instead of the 36.6 feet minimum required; and an area variance for existing and proposed accessory structures which result in a total gross floor area of 1045 square feet, instead of the 1000 square feet maximum gross floor area permitted for accessory structures on lots with a lot area of 16,000 square feet to one (1) acre.

The findings of fact are as follows. The applicant appeared before the Board of Zoning Appeals requesting these variances and has lived at this location for approximately 25 years. The reason for this proposed garage is for increased storage to a two-car garage, which will also store a boat, trailer, and an additional car. Currently, the applicant has a two-car garage; this additional garage will match the current siding and roofing. The proposed garage addition is going to be put on an angle, according to the drawings submitted by the applicant. The reason for the angle is to enhance the beauty of the addition architecturally and to make it look good in the neighborhood. This is a corner lot of Lowden Point and Interlaken Road. There is no other place on the property for him to place this garage, and also like I said before, this will match the current siding and roofing. The applicant also has stated that he will extend the driveway to the garage. The applicant also stated that there will be no curb cut on Lowden Point Road since the main driveway comes off Interlaken Road. This lot, once again, is a corner lot, and the setback is similar to what other setbacks are within this Lowden Point Road area. We did receive neighborhood comments with no objections. This evening, we had Mr. Alan Hain from 352 South Drive. We also received correspondence from five neighbors—124 Interlaken, 369 Lowden Point, 357 Lowden Point, 362 Lowden Point, and 511 South Drive—who had no objections to this proposed garage.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application, with the following conditions:

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1. That the applicant gets all necessary permits.
2. That this applicant agrees not to have a curb cut off Lowden Point Road to his property.

**Seconded by Ms. Nigro and duly put to a vote, which resulted as follows:**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Approved With Conditions**

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6.     Applicant:                Vanderstyne Toyota  
         Location:                4374 West Ridge Road  
         Mon. Co. Tax No.:       073.01-1-1.11  
         Zoning District:        BG (General Business)  
         Request:                An area variance for a proposed third building-mounted sign ("Service"; 1.3 feet x 5.9 feet; 7.7 square feet), instead of the two (2) building-mounted signs with a total area of 112.5 square feet granted by the Board of Zoning Appeals on October 26, 1993. Sec. 211-52 B (2) (a) [1], Table VII

**On a motion by Mr. Hartwig and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of June 7, 2016.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Application Continued until**  
**Meeting of June 7, 2016**

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**MODIFICATION TO NEIGHBORHOOD NOTIFICATION:**

1.     Applicant:               Wegman's Food Markets, Inc.  
       Location:             3177 Latta Road  
       Mon. Co. Tax No.:    045.03-3-13.101  
       Zoning District:     BG (General Business)  
       Request:             An area variance for a proposed second building-mounted sign ("Pharmacy"; 2.3 feet x 20.7 feet; 47.6 square feet), instead of the one (1) 300-square-foot building-mounted sign permitted. Sec. 211-52 B (2) (a) [1], Table VII

The staff has recommended a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this recommendation is the large size of the entire parcel, of which this site is but one part, and the many properties which would be included in the notification but which are not near the subject of the area variance.

**On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to amend the Neighborhood Notification for the area variance submitted by Wegmans Food Markets, Inc., relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels fronting Long Pond Road, across the street from the parcel, parcels on the corner of Long Pond Road and Latta Road and a few parcels on Latta Road, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed area variance.**

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Ms. Meilutis</b>	<b>Yes</b>	<b>Mr. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**  
**Request Granted**

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**SPECIAL ZONING TOPICS**

**Old Business:**

None

**New Business:**

1.     Applicant:             Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless)  
       Location:            2419 Latta Road  
       Mon. Co. Tax No.:   045.20-1-1.11  
       Zoning District:     R1-44 (Single-Family Residential)  
       Request:             a) A special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (128 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway. Sec. 211-56 A  
  
                               b) An area variance for the use of barbed wire (196± linear feet) on top of a fence, where the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted, except as provided in Section 211-49. Sec. 211-46 E

**Mr. Bilsky made the following motion, seconded by Ms. Nigro:**

WHEREAS, Bell Atlantic Mobile of Rochester, L.P. (d.b.a. Verizon Wireless) (the "Applicant/Project Sponsor") has submitted a request to the Board of Zoning Appeals (the "BZA") of the Town of Greece (the "Town"), Monroe County, New York, for a special use permit for a proposed cellular service telecommunications facility, consisting of a freestanding antenna tower (128 feet-high, including lightning rod) and related antenna(s), accessory antenna structures, and access driveway, and an area variance for the use of barbed wire fencing (196± linear feet) (the "Project"), relative to property located at 2419 Latta Road; and

WHEREAS, the Applicant/Project Sponsor has submitted to the BZA an application for the Project, including but not limited to: a project narrative; Part 1 of an Environmental Assessment Form ("EAF"); a radio frequency engineering report; photographs; and civil site plan set (collectively, the "Application"); and

WHEREAS, upon review of the Application, the BZA has determined that the Project is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Project constitutes an Unlisted action under SEQRA; and

WHEREAS, the BZA intends to become the lead agency for the coordinated environmental review of the Project; and

WHEREAS, in accordance with the criteria in §617.6(b)(5)(v)(a) of the SEQRA Regulations, the BZA intends to become the lead agency because potential impacts from the Project primarily would be of local significance; and

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WHEREAS, in order to establish a lead agency for coordinated environmental review of the Project, the BZA requests that all involved agencies reply as soon as possible about whether they agree with the designation of the BZA as the lead agency for the Project; and

WHEREAS, pursuant to §617.6(b)(3)(i) of the SEQRA Regulations, the BZA will assume that it has received consent to become the lead agency if an involved agency does not send a written objection within thirty (30) calendar days of the date of filing a Notice of Intent to Become Lead Agency.

NOW, THEREFORE, be it

RESOLVED that the BZA hereby makes the following determinations:

1. The BZA intends to become the lead agency for the coordinated environmental review of the Project.
2. The BZA hereby provides an opportunity of thirty (30) days from the date on which a Notice of Intent to Become Lead Agency is distributed to involved agencies for written comment on the BZA's intent to become lead agency.
3. If after thirty (30) days' time an involved agency has not provided a written objection to the BZA becoming lead agency, the BZA shall assume that it has such involved agency's consent.
4. The BZA hereby directs the BZA staff to file a Notice of Intent to Become Lead Agency with all involved agencies, and to notify all such involved agencies of the deadline for acceptance of written objections to the BZA's intent, in accordance with SEQRA.
5. This resolution shall take effect immediately.

<b>VOTE:</b>	<b>Mr. Bilsky</b>	<b>Yes</b>	<b>Mr. Forsythe</b>	<b>Yes</b>
	<b>Mr. Hartwig</b>	<b>Yes</b>	<b>Mr. Jensen</b>	<b>Yes</b>
	<b>Mr. Meilutis</b>	<b>Yes</b>	<b>Ms. Nigro</b>	<b>Yes</b>
	<b>Mr. Shea</b>	<b>Yes</b>		

**Motion Carried**

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**ADJOURNMENT:** 8:40 p.m.

**APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES**

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Signed:** \_\_\_\_\_

Albert F. Meilutis, Chairman

**Date:** \_\_\_\_\_

**NEXT MEETING:** June 7, 2016